

**BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

**Meeting Date:** June 16, 2004

**Division:** County Attorney

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**AGENDA ITEM WORDING:**

Public hearing for the approval of an emergency ordinance in order to implement an amendment to the Florida Statutes which provides that the BOCC may impose by ordinance an additional court cost of \$15 on non-criminal traffic offenses.

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**ITEM BACKGROUND:**

Chapter 2004-265, Laws of Florida, was signed into law by the Governor on May 28, 2004, and in order to comply with the requirements imposed on the county, this ordinance must be adopted by July 1, 2004.

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**PREVIOUS RELEVANT BOCC ACTION:**

N/A

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**CONTRACT/AGREEMENT CHANGES:**

N/A

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**STAFF RECOMMENDATIONS:**

Approval.

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**TOTAL COST:** -0-

**BUDGETED:** Yes ! No !

**COST TO COUNTY:** -0-

**APPROVED BY:** County Attorney ☐ OMB/Purchasing Risk Management

**DIVISION DIRECTOR APPROVAL:**

 06/03/04  
J. R. Collins

**DOCUMENTATION:** Included To Follow Not Required

**AGENDA ITEM #** U3

**ORDINANCE NO. 2004**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, DECLARING THAT AN EMERGENCY EXISTS AND WAIVING NOTICE BY A FOUR-FIFTHS VOTE; AMENDING THE MONROE COUNTY CODE BY ADDING A SECTION TO ORDINANCE BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY AMENDING THE MONROE COUNTY CODE BY ADDING A SECTION TO CHAPTER 2, ART. XXVI, TO BE NUMBERED SECTION 2-604; PROVIDING FOR IMPOSITION OF A SURCHARGE ON CERTAIN TRAFFIC VIOLATIONS; PROVIDING FOR ALLOCATION OF FUNDS RECEIVED FROM THE SURCHARGE TO FUND STATE COURT FACILITIES; PROVIDING FOR REPEALER, SEVERABILITY, INCLUSION IN THE MONROE COUNTY CODE, MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, on November 3, 1998, the voters of Florida adopted Revision 7 to the Florida Constitution to amend Article V of the Constitution in order to address the problem of disparate court funding throughout the separate counties of the State; and

WHEREAS, during the 2003 session of the State Legislature, the Legislature amended various provisions of the Florida Statutes in order to comply with the requirements of Revision 7; and

WHEREAS, during the 2004 legislative session, the Legislature enacted further amendments to the Florida Statutes in order to provide a more equitable distribution of responsibility for funding the court system; and

WHEREAS, these 2004 Amendments are found in Chapter 2004-265, Laws of Florida; and

WHEREAS, Chapter 2004-265 amended Section 318.18, Florida Statutes, to provide a supplemental funding source through imposition of a surcharge; and

WHEREAS, Section 318.18 allows each county to adopt a county ordinance assessing a surcharge not to exceed Fifteen Dollars (\$15.00) for any non-criminal traffic violation and criminal traffic violations listed in section 318.17, Florida Statutes; and

WHEREAS, the additional funding must be used to fund State court facilities; and

WHEREAS, the legislation allowing this additional surcharge requires that the Board of County Commissioners enact an ordinance incorporating this surcharge; and

WHEREAS, these additional funds are necessary in order for the courts in this County to maintain their high level of service to the Monroe County community; and

WHEREAS, the surcharge may take effect on July 1, 2004 provided an ordinance has been adopted and is in effect on or before July 1, 2004; and

WHEREAS, the Governor signed Chapter 2004-265, Laws of Florida, on May 28, 2004; and

WHEREAS, the County Commission will not meet again until after July 1, 2004, with the result that the surcharge would not be in place on July 1, 2004 and would result in revenue that otherwise would be available to be irretrievably lost; and

WHEREAS, time is of the essence adopting an ordinance imposing the \$15 surcharge; and WHEREAS, the Board of County Commissioners of Monroe County hereby finds and declares that adoption of this ordinance is necessary, appropriate, and in the public interest of citizens of this community; now therefore:

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA that:

**Section 1.** An emergency is hereby declared and notice waived by a four-fifths vote.

**Section 2.** Section 2-604 is hereby created and shall read as follows:

**Section 2-604. Surcharge in Traffic Cases.**

(a) Pursuant to Section 318.18(13)(a), Florida Statutes, every person who pays a fine or civil penalty for any violation of a non-criminal traffic infraction, as defined in section 318.14(1), Florida Statutes and every person who pleads guilty or nolo contendere to or is convicted, regardless of adjudication, of a criminal violation listed in section 318.17, shall be

assessed a surcharge of Fifteen Dollars (\$15.00). A non-criminal traffic infraction is defined in Section 318.14(1), Florida Statutes.

(b) The court shall order payment of this additional court costs in all matters subject to this Ordinance and the Clerk of Court shall add this surcharge to all payments of fines or civil penalties for any violation of a non-criminal traffic infraction.

(c) The funds collected pursuant to this ordinance shall be used to fund state court facilities. Funds collected pursuant to this ordinance shall be expended in accordance with the direction of the Board of County Commissioners.

**Section 3. Repealer.**

Any and all ordinances in conflict herewith are hereby repealed to the extent of any conflict.

**Section 4. Severability.**

It is declared to be the intent of the Board of County Commissioners of Monroe County, Florida, that if any section, subsection, sentence, clause, or provision of this Ordinance is held invalid, the remainder of the Ordinance shall be construed as not having contained said section, subsection, sentence, clause, or provision, and shall not be affected by such holding.

**Section 5. Inclusion into the Code of Ordinances.**

It is the intent of the Board of County Commissioners that the provisions of this ordinance shall become and be made part of the Monroe County Code of Ordinances and that the sections of this ordinance may be renumbered or relettered or appropriately numbered to conform to the uniform numbering system of the Monroe County Code.

**Section 6. Modification.**

It is the intent of the Board of County Commissioners that the provisions of this ordinance may be modified as a result of considerations that may arise during public hearings. Such modifications shall be incorporated into the final version of the ordinance adopted by the Board and filed by the Clerk to the Board pursuant to Section 6.

**Section 7. Effective Date.**

A certified copy of this Ordinance shall be filed with the Department of State by the Clerk to the Board within ten (10) days after adoption of this Ordinance, and this Ordinance shall take effect on July 1, 2004.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the 16<sup>th</sup> day of June, 2004.

Mayor Nelson  
Mayor Pro Tem Rice  
Commissioner McCoy  
Commissioner Neugent  
Commissioner Spehar

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(SEAL)  
Attest: DANNY L. KOLHAGE, Clerk

BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA

By \_\_\_\_\_  
Deputy Clerk

By \_\_\_\_\_  
Mayor/Chairperson

APPROVED AS TO LEGAL FORM  
OFFICE OF THE MONROE COUNTY ATTORNEY

BY: John R. Collins 06/03/07  
John R. Collins, County Attorney

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